

### **REMARKS/ARGUMENTS**

This paper is in response to the non-final Office Action of May 24, 2005. Applicants amended independent claims 1, 10, and 17 and dependent claims 16, 18, 19, and 20. Claims 11, 13, and 15 have been canceled. Claims 21 and 22 have been added. The amended and added claims introduce no new matter and are fully supported by the specification. Accordingly, Applicants respectfully request examination of pending claims 1-10, 12, 14, and 16-22.

#### **Rejections under 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-3, 5, 7-10, 17, 18 and 20 under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,351,817 to Flyntz. This rejection is traversed in light of the amendments and arguments contained herein.

In contrast with the recited features of independent claims 1, 10, and 17, as amended, Flyntz does not disclose that the devices (i.e., smart card reader, encryptors, etc.) that handle the encryption and security functions for the “multilevel computer security system” are “portable”. Specifically, there is no disclosure in Flyntz that shows that the devices can be readily removed and attached to different “core computers.” The encryption unit and card reader in Flyntz are attached to the “computer computers” via a series of “hard connections” (e.g., drive bay slots, etc.) that cannot be readily uncoupled and re-coupled. In contrast, the Applicants’ claimed invention attaches the portable encryption control device to a computing device and triggers a bus reset of the computing device upon connection of the portable encryption control device. Additionally, Flyntz fails to disclose or teach the features

of enabling the user to add a secondary user to the smart card, and setting the secondary user's level of access to the portable encryption control device.

Claim 10 further includes the features of tracking unauthorized attempts made to access the portable encryption control device, and allowing for remote shutdown of the portable encryption control device. Flyntz is silent as to these features.

For at least the above reasons, Applicants respectfully submits that Flyntz fails to anticipate each and every feature of independent claims 1, 10, and 17, as amended. Claims 2-3, 5, and 7 depend from claim 1, and claims 18 and 20 depend from claim 17. Each of these claims is not anticipated by Flyntz for at least the above stated reasons. Applicants respectfully requests this rejection be withdrawn.

**Rejections under 35 U.S.C. § 103(a)**

Claims 4, 6 and 14 were rejected as being unpatentable over Flyntz in view of Net Warrior (June 10, 2000). In light of the amendments and arguments contained herein, Applicants respectfully request reconsideration of this rejection.

Claims 4 and 6 depend from claim 1, while claim 14 depends from claim 10. As discussed above Flyntz fails to teach each and every feature of claims 1 and 10. Net Warrior fails to cure the deficiencies of Flyntz. Accordingly, Applicants respectfully request this rejection be withdrawn.

Claims 11, 13 and 16 were rejected as being unpatentable over Flyntz in view of Corcoran. Claims 11, 13 have been canceled. Claim 16 depends from claim 10. As discussed above Flyntz fails to teach each and every feature of claim 10. Corcoran fails to cure the deficiencies of Flyntz. The Examiner asserts that it would have been obvious to make the encryption control device of Flyntz portable in order to increase its flexibility and use. Applicants respectfully disagree with this assertion, as one

skilled in the art would not have combined the references as suggested by the Examiner. Flyntz states that the mechanically activated sensor switches are a key element of the multi-level computer (see column 6, lines 36-40). Accordingly, if the references were combined as suggested by the Examiner, then the basic principle under which Flyntz was designed to operate would change. Additionally, a substantial redesign and reconstruction of the elements of Flyntz would be required. Thus, claim 16 is patentable over the cited references.

Claim 12 was rejected as being unpatentable over Flyntz in view of US Patent No. 5,815,577 to Clark. Claim 12 depends from claim 10. As discussed above Flyntz fails to teach each and every feature of claim 10. Clark fails to cure the deficiencies of Flyntz. Accordingly, Applicants respectfully request this rejection be withdrawn.

Claim 19 was rejected as being unpatentable over Flyntz in view of US Patent No. 5,728,998 to Novis. Claim 19 depends from claim 17. As discussed above Flyntz fails to teach each and every feature of claim 10. Novis fails to cure the deficiencies of Flyntz. Accordingly, Applicants respectfully request this rejection be withdrawn.

### SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6921. If any additional fees are due in connection with filing this Amendment, the Commissioner is also

authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP201B). A

duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read "Michael L. Gencarella", written in a cursive style.

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